



prison against Randolph Lee and Noel Tin and that “Judge Mullens (sic) is a witness that attorney lee (sic) never represented Plaintiff in federal court case 3:92cr270-MU and attorney Noel Peter Tin permitted U.S. Attorneys Gretchen Sheppert (sic) and Bobby Hidgon to alter record on direct appeal in oral arguments 202 F.3d 691 (4<sup>th</sup> Cir. 2000).” (Doc. No. 7).

A judge shall disqualify himself in any proceeding “in which his impartiality might reasonably be questioned.” A judge shall also disqualify himself if he has a personal bias or prejudice. 28 U.S.C. § 455.

Petitioner has not supported his motion with facts which indicate that this Court was or is biased. Further, Plaintiff has not pointed to any evidence suggesting that the Court’s “impartially might be questioned.” Instead, Petitioner seems to argues that bias can be assumed because Judge Mullen has been assigned to his cases over the part twenty years and Plaintiff always ends up with “unpublished opinions on black and white case law.” Petitioner’s attempt to argue that Judge Mullen is a witness in another case is not persuasive. Judge Mullen is not a witness in any case involving Plaintiff. Finally, the fact that this case was reassigned from Judge Conrad to Judge Mullen does not support Plaintiff’s motion. Cases are routinely reassigned for a variety of reasons and the mere fact that Plaintiff’s case was reassigned to Judge Mullen does not establish bias or in any other way support Plaintiff’s motion. Therefore Plaintiff’s motion is DENIED.

**IT IS, THEREFORE, ORDERED** that Plaintiff’s Motion to Recuse (Doc. No. 7) is DENIED.

**SO ORDERED.**

Signed: September 30, 2011

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

